

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

VLADISLAV KLYUSHIN  
Defendant

CRIMINAL NO. 21-cr-10104-PBS

**RESPONSE TO REPLY MOTION IN LIMINE TO ADMIT STATEMENT OF THE  
DEFENDANT**

As the government’s parenthetical description of *Ulbricht* implicitly recognizes, nothing in *Old Chief* – a Rule 404(b) case – abrogates the Court’s Rule 403 discretion to exclude allegedly relevant evidence on grounds of unfair prejudice, confusing the issues, misleading the jury and needlessly presenting cumulative evidence. We’re confident the Court knows how to perform traditional Rule 403 balancing. The government’s application is straightforward and hardly novel.

We will address in Court tomorrow the nightly document dump the government has been conducting since Friday, including two rounds of “New and Updated Exhibits” arriving today in rapid succession at 4:57 and 6:41 pm.

Respectfully Submitted,  
Vladislav Klyushin,  
By His Attorney,

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Dated: January 29, 2023

**CERTIFICATE OF SERVICE**

I, Maksim Nemtsev, hereby certify that on this date, January 29, 2023, a copy of the foregoing documents has been served via Electronic Court Filing system on all registered participants.

**/s/ Maksim Nemtsev**  
Maksim Nemtsev, Esq.